



EXPRESS MAIL LABEL NO. EV 28951278S US

#12
OK
5/18/03

PATENT APPLICATION
Atty. Docket No. CPC-003CPCN2
(1419/6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) Biondi et al. CONFIRMATION NO.: 4149
SERIAL NO.: 09/931,572 GROUP NO.: 3761
FILED: August 14, 2001 EXAMINER: Mitchell, T.
TITLE: VENTILATOR CONTROL SYSTEM AND METHOD

TERMINAL DISCLAIMER

RECEIVED

MAY 22 2003

Mail Stop RCE
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECHNOLOGY CENTER R3700

Sir:

I, James W. Biondi, M.D., state that I am authorized to sign on behalf of the Cardiopulmonary Corporation, identified below as the assignee of the entire right, title, and interest in and to the above-identified patent application, U.S. Application Serial No. 09/931,572. I have reviewed all the evidentiary documents referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of Cardiopulmonary Corporation.

Cardiopulmonary Corporation, of 200 Cascade Boulevard, Milford, CT 06460, is the owner of the above-referenced U.S. Application Serial No. 09/931,572 filed by Biondi et al. on August 14, 2001, and former U.S. Application Serial No. 08/569,919, filed December 8, 1995 and issued as U.S. 5,931,160 on August 3, 1999. Title to these patent documents currently is in the name of Cardiopulmonary Corporation, by virtue of assignments executed in each application, and subsequent submission for recordation of these assignments in the United States Patent and Trademark Office. The assignment of the instant application U.S. Application Serial No. 09/931,572 to Cardiopulmonary Corporation was submitted for recordation in the United States Patent and Trademark Office on November 9, 1998 and on December 11, 2002, and were recorded on November 12, 1998, at Reel 9576 and Frame 0478, and on December 16, 2002, at Reel 13578 and Frame 0524, respectively. The assignment of former application U.S. Application Serial No. 08/569,919 now U.S. 5,931,160 to Cardiopulmonary Corporation was submitted for recordation in the United States Patent and Trademark Office on March 18, 1996, and was recorded on March 22, 1996, at Reel 7923 and Frame 0704.

05/21/2003 RHEBRAHT 00000157 09931572

04 FC:1814

110.00 DP

Applicants: Biondi et al.
USSN: 09/931,572
Filed: August 14, 2001
Page 2, Terminal Disclaimer

Cardiopulmonary Corporation hereby disclaims the terminal portion of the term of patent granted on the instant U.S. Application Serial No. 09/931,572, which would extend beyond the expiration date of the full statutory term of the patent U.S. 5,931,160. Cardiopulmonary Corporation hereby agrees that the patent so granted on the instant application U.S. Application Serial No. 09/931,572 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to patent U.S. 5,931,160, for this agreement to run with any patent granted on U.S. Application Serial No. 09/931,572, and to be binding upon the grantor and its or their successors or assigns.

Cardiopulmonary Corporation does not disclaim any terminal portion of the term of patent granted on the instant U.S. Application Serial No. 09/931,572 prior to the expiration date of the full statutory term of the patent granted on said application, in the event that U.S. 5,931,160 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

CARDIOPULMONARY CORPORATION

By: 

James W. Biondi, M.D.

CEO of Cardiopulmonary Corporation

Date: May 19, 2003

2626974